

REMARKS

Claims 56-69 stand rejected under 35 U.S.C. § 103 (e) as being anticipated by Snider (U.S. 6,536,524).

U.S. Patent No. 6,536,524 B1 which issued on March 25, 2003 to Snider and which is commonly assigned with respect to the pending application discloses placing a reader device in a well proximate to a process tool and then transporting an identification device through the well past the reader device to actuate the reader device and to control the tool. The reader device includes a transmitter configured to transmit rf signals to the identification device, a receiver configured to receive a unique rf code signal from the identification device, and a control circuit configured to control the tool responsive to reception of the unique rf code. In each embodiment disclosed in Snider, the reader device is positioned at a fixed location in a subterranean well by means of casing (Figs. 1-4), tubing (Figs. 5 and 6) or wireline (Fig. 7). The reader device 30 includes a transmitter 52 configured to transmit transmission signals of a first frequency to the identification device 42 and a receiver 54 configured to receive signals of a second frequency from the identification device. Thereafter, an identification device 42 is transported through the well. The identification device 42 comprises a base member 76, a memory device 72, and an antenna 74. The identification device is configured to generate a unique rf code signal in response to receiving rf transmission signals from the reader device.

In contrast, the captioned application discloses an asset having a responding device, such as a radio frequency identification device, and an antenna electrically connected to the responding device. A radio frequency transmitter and receiver, i.e. a transceiver, is also provided.

Independent process claim 56 of the captioned application calls for “passing a transceiver in proximity to an asset having a responding device and an antenna electrically connected to said responding device so as to permit communication between said transceiver and said responding device via said antenna.” In the last Office Action, the Examiner commented that “[r]e claim 56: Snider discloses ... passing a transceiver in proximity to an asset 14 having a responding device [or identification device 42 ...] ... and an antenna 74 electrically connected to said responding device 30 so as to permit communication between the transceiver and the responding device 42 via said antenna 74” It is submitted that Snider does not disclose an asset having a responding device, let alone of passing a transceiver in proximity to such an asset as required by independent claim 56 of the captioned application. The responding device of Snider, i.e. identification device 42, is not associated with “an asset”, instead the asset has a transceiver, i.e. reader device 30, associated therewith. Further, Snider is totally devoid of any disclosure, suggestion or teaching of passing the transceiver in proximity to an asset having a identification device. Instead, Snider unequivocally discloses fixing the position of the asset and transceiver in a well and then transporting the identification device in proximity to the fixed asset and transceiver. In the last Office Action, the Examiner indicates that the identification device 42 of Snider is both a “responding device” and a “transceiver”. It is submitted that identification device 42 of Snider is clearly a responding device while the reader device 30 of Snider which has a transmitter 52 and a receiver 54 (column 6, lines 19-22) corresponds to the transceiver 40 of the present invention (radio frequency transmitter and receiver; page 7, lines 13 and 14 of the captioned application). It is well settled that an anticipatory reference under 35 U.S.C. §102 must identically disclose every claimed element of the anticipated invention. It is

submitted that Snider does not identically disclose or describe a method as set forth in independent claim 56 as currently presented in the instant application. In view of the foregoing, it is submitted that the rejection of independent claim 56, and all claims dependent thereon, i.e. claims 57-61, under 35 U.S.C. §102 (e) as being anticipated by Snider is improper and should be withdrawn.

Independent process claim 62 of the captioned application calls in part for positioning "a transceiver and a tubular having a responding device and an antenna electrically connected to the responding device in proximity to each other without regard to the rotational orientation of said tubular so as to permit communication between said transceiver and said responding device via said antenna." As previously discussed with respect to independent claim 56, Snider discloses a tubular having a transceiver, i.e. reader device 30, and is totally devoid of any disclosure, suggestion or teaching of a tubular having a responding device, i.e. identification device 42. It is well settled that an anticipatory reference under 35 U.S.C. §102 must identically disclose every claimed element of the anticipated invention. It is submitted that Snider does not identically disclose or describe a method as set forth in independent claim 62 as currently present in the instant application. In view of the foregoing, it is submitted that the rejection of independent claim 62, and all claims dependent thereon, i.e. claims 63-67, under 35 U.S.C. §102 (e) as being anticipated by Snider is improper and should be withdrawn.

Independent process claim 68 calls for "passing an asset having a responding device connected thereto within a transceiver having a generally annular antenna so as to permit communication between said transceiver and said responding device." The Examiner states in the last Office Action that "Snider ... further discloses passing an asset having a responding device connected thereto within a transceiver

... so as to permit communication between the transceiver and the identification device 42 via the antenna 74 (col. 7, lines 1-10)." The Examiner seems to equate the base member, which is a component part of the responding device 42, with an "asset". Claim 68 specifically calls an "asset" as well as a responding device connected thereto. As set forth above, Snider is totally devoid of any disclosure, suggestion or teaching of an asset having a responding device connected thereto, let alone of passing the asset and responding device within a transceiver, as required by independent claim 68. It is well settled that an anticipatory reference under 35 U.S.C. §102 must identically disclose every claimed element of the anticipated invention. It is submitted that Snider does not identically disclose or describe a method as set forth in independent claim 68 as currently present in the instant application. In view of the foregoing, it is submitted that the rejection of independent claim 68, and claim 69 which is dependent thereon, under 35 U.S.C. §102 (e) as being anticipated by Snider is improper and should be withdrawn.

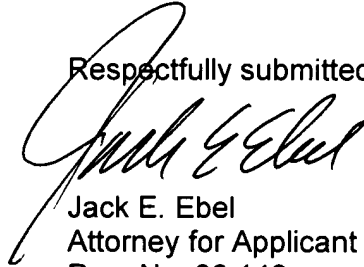
Claims 70-72, 2-11, 14-16, 18, 19, 21-27, 30-36, 38-47 and 50-55 were indicated by the Examiner in the text of the last Office Action as being allowed which is consistent with previous prosecution of these claims. However, although box no. 5 which corresponds to allowed claims under the heading "Disposition of Claims" in the Office Action Summary (PTOL-326) is checked, no claims are set forth in the text corresponding to this box. And while box no. 7 which corresponds to objected claims under the heading "Disposition of Claims" in the Office Action Summary (PTOL-326) is not checked, claims 2-11, 14-16, 18, 19, 21-27, 30-36, 38-47, 50-55 and 70-72 are included in the text corresponding to this box. Applicant assumes that this represents an inadvertent error in completing the Office Action Summary and that claims 70-72, 2-11, 14-16, 18, 19, 21-27, 30-36, 38-47 and 50-55 are allowed.

In a statement of reasons for the indication of allowable subject matter, the Examiner stated that the prior art of record "... fails to teach a second antenna electrically connected with a responding device along the inner periphery of the tubular." As previously stated in the Amendment dated September 26, 2003, what the prior art fails to disclose or teach is a second antenna that is electrically connected (or adapted to be electrically connected) to a responding device and that extends along the inner periphery of a tubular. Applicant's claimed and patentable invention as set forth in independent claims 70-72 is broader than a responding device on the inner periphery of a tubular. Independent claim 70 of the captioned application calls for a responding device adapted to be connected to an asset, while independent claims 71 and 72 call for a responding device connected to a tubular and to the generally tubular body of a collar, respectively. Dependent claims 5, 21 and 41 call for the responding device to be positioned in a groove on the exterior of the asset, tubular or generally tubular body, respectively. Thus, in addition to a responding device positioned "along the inner periphery of the tubular" as noted in the Examiner's statement for reasons for allowance, Applicant's claimed invention clearly includes a responding device positioned along the exterior of the asset, tubular or generally tubular body (see claims 5, 21, 41; Fig. 1a), as well as positioned within the asset, tubular or generally tubular body (see claims 70-72: Figs 2a and 3a).

The citation of prior art made of record and not relied upon is acknowledged. However, a detailed discussion thereof is deemed unnecessary because the claims of the instant application were not rejected thereunder.

In view of the foregoing, Applicant respectfully request allowance of all claims remaining in the captioned application, i.e. claims 2-11, 14-16, 18, 19, 21-27, 30-36, 38-47 and 50-72.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jack E. Ebel", written over the typed name.

Jack E. Ebel
Attorney for Applicant
Reg. No. 28,148
(303) 239-9883